

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUIS CAMEJO-RODRIGUEZ, )  
 ) CASE NO. C12-2221-JCC-MAT  
Plaintiff, )  
 )  
v. ) REPORT AND RECOMMENDATION  
 )  
MCC SUPT. MARGARET GILBERT, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

INTRODUCTION AND SUMMARY CONCLUSION

Plaintiff Luis Camejo-Rodriguez, who is currently incarcerated at Monroe Correctional Complex in Monroe, Washington, filed a proposed injunction and temporary restraining order (Dkt. 1), followed by an affidavit and memorandum (Dkt. 4). In response to a letter from the Clerk's Office indicating the absence of either a filing fee or motion to proceed *in forma pauperis* (IFP) (Dkt. 3), plaintiff submitted a motion to proceed IFP (*see* Dkts. 5-7). Plaintiff also submitted a proposed civil rights claim, construed by the Court as pursuant to 42 U.S.C. § 1983 (Dkt. 8), a motion for appointment of counsel (Dkt. 9), two declarations (Dkts. 10 & 13), and two additional memoranda (Dkts. 11 & 12). For the reason described below, the Court

01 recommends denying plaintiff's application to proceed IFP based on the three-strikes rule of 28  
 02 U.S.C. § 1915(g), and directing him to pay the \$350 filing fee in order to proceed with his  
 03 complaint.

04 A prisoner may not proceed IFP in a civil action if he or she has, on three or more prior  
 05 occasions, brought civil actions that were dismissed on the grounds that they were frivolous,  
 06 malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is  
 07 under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). Plaintiff has  
 08 submitted numerous complaints to this Court, at least three of which have been dismissed based  
 09 on the determination that they were frivolous and/or failed to state a claim upon which relief  
 10 may be granted. *See Camejo-Rodriguez v. Frakes*, C11-1110-RSL (Dkts. 15 & 16) (dismissed  
 11 Nov. 16, 2011); *Camejo-Rodriguez v. Frakes*, C10-1331-MJP (Dkts. 19 & 22) (dismissed Oct.  
 12 25, 2010); *Camejo-Rodriguez v. Dep't of Corrections*, C08-1611-TSZ (Dkts. 42, 48, 55 & 58)  
 13 (dismissed May 13, 2009). *See generally O'Neal v. Price*, 531 F.3d 1146, 1152 (9th Cir. 2008)  
 14 (holding that an IFP action is "brought" for purposes of imposing § 1915(g) strikes "when he  
 15 submits a complaint and request to proceed in forma pauperis to the court").

16 As in previous cases filed in this Court,<sup>1</sup> plaintiff alleges threats to his health and safety,  
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18 <sup>1</sup> *See, e.g., Camejo-Rodriguez*, C11-1110-RSL (Dkt. 13 (describing plaintiff's complaint as  
 19 alleging courts and others "have conspired to kidnap, enslave, torture, arbitrarily detain, discriminate  
 20 against, extort, bribe and blackmail plaintiff," causing "serious emotional and physical injuries[,] as  
 21 well as denial of medical care and that Washington Governors "were involved in attempts to kill  
 22 plaintiff by housing him with prisoners who smoke between 2000 and 2005"); *Camejo-Rodriguez v. Tru*  
*Sgt. Bigelow*, C11-1494-TSZ (Dkt. 14 (describing document submitted by plaintiff as entitled: "In  
 Contempt of Court. Attachment to Arrest all this DOC. Staffs, US Military, Sgts, Recreation for  
 Continue Racial discrimination, harassment, torture practice. Falsely Infract me by Racial Retaliation  
 Conspiracies to caused me harm. Mental and physical torture to lock me down. Created me conflicts  
 with Mendoza and Weaver, Required Emergency Interstate Compact transfer to Florida MCC.camp  
 Miami for Federal Pre-Release and to have Medical Attention, denied in TRU-WA. F.M.I. 666. No stop  
 planning Evil Act.")

01 contending, for example, that he has been kidnapped, seriously injured, and subjected to torture  
02 and numerous threats on his life. (*See, e.g.*, Dkt. 8 at 2 (“I am currently secreting kidnapping,  
03 hidden in a place no body can find me. In D.O.C. racial segregation torture units[.]”); Dkt. 11  
04 at 3 (“I been maliciously injured in the Federal Bureau of Prisons by their same White  
05 Europeans-Amerikans Bluecoat domestic terrorist corporation. This terrorist cool killers  
06 received orders to kill me at any level[.]”)) However, as before, nothing in the current IFP  
07 application, proposed complaint, or various other submissions plausibly suggests plaintiff is  
08 under imminent danger of serious physical injury. Instead, his allegations appear frivolous.

09 Accordingly, the Court recommends DENYING plaintiff’s application to proceed IFP  
10 (Dkt. 6), and directing him to pay the \$350 filing fee within **thirty (30) days** of the date of the  
11 Order adopting this Report and Recommendation. If no filing fee is paid within thirty days of  
12 the Court’s Order, the Clerk should close the file. The Clerk is directed to send copies of this  
13 Order to plaintiff and to the Honorable John C. Coughenour.

14 DATED this 8th day of January, 2013.

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16 

17 Mary Alice Theiler  
18 United States Magistrate Judge  
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